

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LUIS ALICEA, DAVID ALICEA,
CYNDI ALICEA, and MAKENNA ALICEA,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LUIS E. ALICEA,

Respondent-Appellant.

UNPUBLISHED

February 9, 2006

No. 264529

Clinton Circuit Court

Family Division

LC No. 03-016716-NA

Before: Borrello, P.J., and Sawyer and Fitzgerald, JJ.

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to his minor children pursuant to MCL 712A.19b(3)(c)(ii), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The minor children came into care because their mother had threatened and attempted suicide on several occasions and was unable to care for them. At that time, respondent and the children's mother were parenting the children together. The mother was the primary caretaker, but when she was involved in a mental health crisis, respondent was put in the role of the dominant caretaker for the children.

Services were provided, and respondent attended parenting classes, participated in a psychological evaluation, and cooperated with case management and Families First. However, he was unable to demonstrate that he could independently care for the children. While he did appropriately take care of the children's basic daily needs for two days when their mother was hospitalized, there were concerns regarding his ability to care for them on any long-term basis. Respondent did not take an active role in parenting and did not engage with the children or the caseworkers until the petition to terminate his parental rights was filed. He did not know where all of the minor children attended school. He relied on others to tell him that he should not leave the minor children in the care of their mother when she was in a mental health crisis. Based on his own testimony, respondent needed assistance because he was unable to independently (1)

assist the minor children with homework because he could not read or write and his English was limited, (2) obtain appropriate care to manage Luis Jr.'s ADD, (3) find childcare, (4) put a backup plan in place in case the children's mother had another mental health crisis, and (5) obtain medication to manage his bipolar disorder. Furthermore, at the time of the termination trial, respondent did not have a place to live and was making plans to marry his girlfriend who had four children of her own. His argument that he was not given an opportunity to show that he could provide appropriate care and custody of the minor children independent of the minor children's mother does not take into account that he had a year and a half to show the trial court that he could do so.

The trial court also did not clearly err in its best interests determination. MCL 712A.19b(6). While there appeared to be a bond between respondent and the minor children, the evidence was clear and convincing that he was unable to independently parent the minor children and that the minor children would be at risk of harm if returned to his care.

Affirmed.

/s/ Stephen L. Borrello
/s/ David H. Sawyer
/s/ E. Thomas Fitzgerald